

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22-cv-00293-JRG  
(Lead Case)

**JURY TRIAL DEMANDED**

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Defendants.

Civil Case No. 2:22-cv-00294-JRG  
(Member Case)

**JURY TRIAL DEMANDED**

**SAMSUNG'S NOTICE OF SUPPLEMENTAL AUTHORITY  
RELATING TO ITS MOTION FOR A PROTECTIVE ORDER (Dkt. 193)**

Samsung submits this notice to make the Special Master aware of Netlist's Motion for Partial Summary Judgment on Contract Interpretation ("the Motion") filed on January 8, 2024 in C.D. Cal. A public version of that motion is attached as Exhibit 1. As previously set forth, discovery is closed in the C.D. Cal. proceeding and the court has made clear that no additional evidence would be permitted as part of the proceedings now underway in that court. These proceedings include summary judgment motions filed by both parties on January 8, 2024, with a hearing set on those motions for February 5, 2024. Despite the C.D. Cal. Court's directive, Netlist has used discovery material from this EDTX case in its summary judgment motion it filed on January 8, 2024. *See, e.g.*, Ex. 1 at 11 ("But its corporate representative in East Texas testified to the opposite ..."); *id.* at 8 (citing EDTX testimony from Mr. Indong Kim). Use of EDTX discovery outside of the EDTX proceeding is a violation of the governing Protective Order, and Samsung intends to address that separately.

The Motion reveals Netlist's motives in improperly seeking discovery regarding issues related to JDLA breach/termination that are at issue in only C.D. Cal., not here in EDTX.

Date: January 11, 2024

Respectfully submitted,

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Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on January 11, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and by electronic mail.

/s/ Melissa R. Smith